

# Exhibit R

1 SUPREME COURT OF THE STATE OF NEW YORK  
2 COUNTY OF KINGS: CRIMINAL TERM: PART TAP 1  
3 -----x  
4 THE PEOPLE OF THE STATE OF NEW YORK, Indictment #  
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7 JACOB DASKAL,  
8  
9 DEFENDANT  
10 320 Jay Street  
11 Brooklyn, NY 11201  
12 September 23, 2019  
13 B E F O R E:  
14 HONORABLE WILLIAM MILLER,  
15 A P P E A R A N C E S:  
16 Eric Gonzalez, Esq.  
17 District Attorney, Kings County  
18 BY: Kevin O'Donnell, Esq.  
19 Meister, Seelig & Fein LLP  
20 125 Park Avenue, 7th Floor  
21 New York, NY 10017  
22 BY: Evan Lipton, Esq.  
23 Attorney for the defendant  
24  
25 Adria J. Abbate  
Senior Court Reporter

## **PROCEEDINGS**

(Whereupon, the following takes place on the record in open court, in the presence of the Court, assistant district attorney, defense counsel and Defendant.)

7 MR. LIPTON: Good morning, Judge. Evan Lipton,  
8 125 Park Avenue on behalf of Mr. Daskal who is beside me in  
9 court.

10 THE COURT: Good morning.

11 MR. O'DONNELL: Kevin O'Donnell for the People.  
12 Good morning, Your Honor.

18 MR. O'DONNELL: Yes, it's my case, Judge.

THE COURT: All time since April 4th was excluded. I did that. Related charges under investigation.

21 MR. O'DONNELL: Right.

22 THE COURT: Both sides to be ready. Anybody want  
23 to talk to me what's going on?

24 MR. O'DONNELL: I do, Judge, if it is okay.

25 THE COURT: Please.

PROCEEDINGS

1                   MR. O'DONNELL: Mr. Lipton and I spoke about two  
2 weeks ago. I think he was under the misimpression that we  
3 were consenting to all the arrangements and we are not. So  
4 he served me with a motion today for a Mapp hearing and for  
5 a motion to controvert the search warrant in the case. So I  
6 would like an opportunity to respond because --

7                   THE COURT: What's happening with the Eastern  
8 District?

9                   MR. O'DONNELL: The Eastern District, there are  
10 two computers that were recovered in our search warrant that  
11 were turned over to the FBI in August. It is just that a  
12 series of property that they picked up. So they had the  
13 same complaining witness in common. In August, there were,  
14 I believe, about 29 or 30 devices recovered. So going  
15 through all of them is not feasible. They had the  
16 complainant in to identify which computers the defendant is  
17 most likely using, both of those were picked up by an FBI  
18 agent in August to proceed with the search warrant.

19                   THE COURT: Was he arrested?

20                   MR. O'DONNELL: He's not. He is being  
21 investigated. Judge, can we approach?

22                   THE COURT: Sure.

23                   (Whereupon, an off-the-record discussion was held  
24 at the bench.)

25                   THE COURT: For the record, the order of

PROCEEDINGS

1 protection is extended. We'll put it on for final  
2 conference middle of November.

3 COURT CLERK: Middle of November, November 18th?

4 MR. LIPTON: November 18th is good.

5 COURT CLERK: Okay, November 18th.

6 THE COURT: Okay. Mr. O'Donnell will respond in  
7 approximately two weeks and hopefully I'll make a decision.

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9 This is certified to be a true and accurate  
10 transcript of the stenographic notes.

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Adria J. Abbate

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Adria J. Abbate

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Senior Court Reporter

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